2010 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Further strengthening the review process of the Treaty on the Non-Proliferation of Nuclear Weapons

Working paper submitted by Canada, Australia, Austria, Chile, Germany, Ireland, Italy, Japan, Mexico, the Netherlands, New Zealand, Nigeria, Poland, Sweden, Switzerland, Thailand and Ukraine

1. Purpose

1. We recognize the need for political will to energize the review process of the Treaty on the Non-Proliferation of Nuclear Weapons. We also recognize that the ultimate purpose of the review process is to make progress on substantive issues facing the Treaty. With this in mind, the following proposals are designed to support the achievement of substantive outcomes. In the light of the implementation of the related decisions adopted by the 1995 Review and Extension Conference and the 2000 Review Conference over the past 10 years, the present working paper proposes specific decisions to further strengthen the review process of the Treaty on the Non-Proliferation of Nuclear Weapons and to make it more responsive to States parties. The importance we attach to the review cycle's role in support of the full implementation of the Treaty is not intended to distract us from the important substantive issues to be considered at the 2010 Review Conference; rather, these proposals are designed to facilitate this work.

2. Specifically, this paper proposes three sets of decisions to: (a) modify the practice of Preparatory Committee meetings to provide for shorter but more frequent annual meetings that may take both procedural and substantive decisions, and to set out the possibility of extraordinary meetings; (b) form a Chairs' Circle of past, incumbent and future Chairs to better sustain the Treaty's work during and between meetings; and (c) bolster the administrative capacity of the review process with a small support unit.

3. None of these proposed decisions would require an amendment of the Treaty on the Non-Proliferation of Nuclear Weapons nor would they affect the existing responsibilities and relationships between the Treaty and the Security Council or the International Atomic Energy Agency (IAEA). Furthermore, all of the proposals are

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"modular" to the extent that each is presented individually for consideration and not as a package. In order to implement some of the measures — such as the creation of a support unit — without increasing the overall United Nations budget for the Treaty, the paper identifies some areas where economies can be achieved. These proposals are not, however, put forward as a cost-savings exercise.

2. Rationale

4. The experience of the past 10 years has shown that the decisions made to strengthen the review process have not yielded the outcomes that were envisioned in 1995 and 2000. Building on the spirit and intentions of the 1995 and 2000 decisions, the proposals in this paper would make the process more sustainable and responsive to States parties. Since the decision of the 2000 Review Conference in particular, the first two meetings of the Treaty's preparatory cycle have become "disengaged" from the review process. More broadly, States parties have forgone opportunities to make decisions and to send clear messages on subjects of critical importance during the Preparatory Committee meetings. Rather, they have chosen to wait until the Review Conference for collective action, even though at that time, as evinced in 2005, these subjects may be addressed inadequately.

5. As currently practised, the first two of the three 10-working-day Preparatory Committee meetings do not negotiate recommendations, and rarely take substantive decisions even though the Treaty text does not prohibit them from doing so, and only the last Preparatory Committee meeting is devoted to preparing directly for a review conference. If States parties were able to react more rapidly to challenges posed to the Treaty, through annual meetings and the possibility of extraordinary meetings, their engagement would reinforce the credibility of the Treaty.

6. Moreover, the Treaty does not currently capitalize on the collective experience of current, former and future Chairs. The work of the Treaty suffers from a lack of continuity as there is no continuous support mechanism for Chairs between meetings, no systematic transmission of experience from outgoing to incoming Chairs and, as a result, limited ongoing political stewardship. For this reason, a grouping of past, present and subsequent Chairs is proposed.

7. The Treaty lacks a permanent administrative staff, or support unit, with which to prepare for more effective decision-making at Preparatory Committee meetings and review conferences. Treaty meetings also lack the capacity to respond optimally to the administrative needs of Chairs as well as of States parties. To remedy this, steps towards a small Treaty support unit are proposed, and at the same time cost-saving measures are advanced to offset the costs associated with this modest new expense.

3. Proposed decisions

8. In view of the challenges identified above inherent in the current review process, this paper recommends that the 2010 Review Conference: (a) move to annual meetings which may take both procedural and substantive decisions;[1]

[1] Rule 28 of the rules of procedure (NPT/CONF.2000/1, annex VI) sets out the procedures concerning the adoption of decisions, including voting on matters of substance, although this option has not proved necessary to date.

(b) promote the formation of a Chairs' Circle comprising the past, incumbent and subsequent Chairs of the Treaty; and (c) establish a dedicated support unit. The Treaty is silent on the subject of Preparatory Committee meetings, which in their most recent format date from the 2000 Review Conference. The draft decisions in this paper would not detract from the intentions of the decisions and the resolution adopted by the 1995 Review and Extension Conference; the modifications relate to the duration and frequency of the Preparatory Committee meetings. The introduction of annual general conferences would change only those specific decisions indicated below (in parentheses) from the 2000 Review Conference "Improving the effectiveness of the strengthened review process for the Treaty".

3.1 Introduction of annual general conferences; provision for extraordinary meetings

Decision 1: Annual general conferences

9. The States parties agreed that the current practice of three Preparatory Committee meetings should be replaced by three annual general conferences of States parties lasting five working days, and one Preparatory Committee of seven working days held in the year prior to the Review Conference. *(This decision would be understood to replace decision 2 of the section entitled "Improving the effectiveness of the strengthened review process for the Treaty" of the 2000 Review Conference, and decision 1 (3), "Strengthening the review process for the Treaty".)*

Decision 2: Purpose and organization of annual general conferences in 2011, 2012 and 2013

10. The States parties reaffirmed the ongoing relevance of the intended purpose of Preparatory Committee meetings, as set out in decision 5 of "Improving the effectiveness of the strengthened review process for the Treaty" of the 2000 Review Conference and decision 1, paragraph 4, of the 1995 Review and Extension Conference. That stated purpose, "to consider principles, objectives and ways in order to promote the full implementation of the Treaty, as well as its universality", would guide the preparation and work of new annual general conferences, which would also take both procedural and substantive decisions. The new annual general conference agendas would be comprised of the following: (a) focused discussion in turn each year on one of the three specific clusters of issues (Main Committees I, II and III, along with their respective subsidiary bodies); or (b) consideration of all Treaty issues, with substantive output carried forward annually by three parallel working groups addressing the three main pillars, including to the Review Conference; and (c) procedural and substantive decisions as necessary, including identifying the Chair for the following meeting. In order to focus its work in the limited number of days set out for annual general conferences, general debate will be discouraged, and will be limited to two minutes per national statement and four minutes per statement on behalf of groups of countries. Time will continue to be set aside for civil society participation in all Treaty meetings including the annual general conferences, and the Chair(s) will invite civil society to submit and briefly present papers on the specific topics under consideration. *(This decision would serve to substitute the words "annual general conferences" for the existing words "the first two sessions of the Preparatory Committee" in the first sentence of decision 5, referred to above; and would add the words "annual general conferences and"*

before the existing words "Preparatory Committee" in the sentence that follows, with all the remaining text of decision 5 unchanged.)

Decision 3: The Preparatory Committee in 2014

11. The States parties agreed that the purpose of the Preparatory Committee meetings set out in decision 1, paragraph 4, of the 1995 Review and Extension Conference remained valid, and that every effort should continue to be made towards consensus, but that the Preparatory Committee would henceforth take both such procedural and substantive decisions as might be necessary. Such decisions would normally include the provisional agenda and the identification of the President of the subsequent Review Conference, and could include whether circumstances warranted an additional, second Preparatory Committee session prior to the Review Conference, or whether the duration of the subsequent Review Conference needed to be of three or four weeks' duration. *(This decision would modify decision 7 (1995), in particular with reference to the numbering of the sessions.)*

Decision 4: The Review Conference in 2015

12. The States parties stressed that the purpose and intended outcomes of the Review Conference would not change. With regard to its agenda, by reducing the time allocated for a general debate, a decision would be taken as to whether the Review Conference could be shortened from four weeks to three. By encouraging the print form circulation of longer texts, general debate statements would be oral summaries limited to three minutes each, with dignitaries or individuals speaking on behalf of groups of countries allotted five minutes each. Review conferences will agree on the location(s), the rotation of regional groups to nominate Chairs, and the provisional agendas, respectively, for each of the subsequent four Treaty meetings of the review cycle which follows. Additionally, the Review Conference will agree on the Chair of the subsequent year's annual general conference. *(This decision, and henceforth all of the decisions that follow below, do not affect the 1995 and 2000 Treaty decisions referred to above.)*

Decision 5: Rules of procedure

13. The States parties noted that giving effect to one or more decisions in this document would not automatically change the rules of procedure of Preparatory Committee meetings and review conferences, and agreed that annual general conferences would use the existing rules of procedure with any changes applied mutatis mutandis.

Decision 6: Extraordinary meeting

14. The States parties were of the view that, notwithstanding the specific roles set out in the Treaty for both the Security Council and the International Atomic Energy Agency, all States parties would potentially be affected by — and should therefore have input towards — a *situation* that threatens the integrity or viability of the Treaty, and decided that under such circumstances provision would be made for an extraordinary meeting. In such a situation identified above, and independent of actions taken by the Security Council or IAEA, one or more of the Depositary Governments would call an extraordinary meeting of States parties in New York, to

be chaired by the Chair of the annual meeting of the corresponding year, if the next scheduled meeting of the Treaty on the Non-Proliferation of Nuclear Weapons were more than three months away. An extraordinary meeting would also be called by one or more of the Depositary Governments in such a situation, once a State or States presented documents to indicate that a majority of States parties had requested such a meeting.

3.2 Passing on the torch with coordination: Chairs' Circle

Decision 7: Chairs' Circle

15. The States parties recommended that the past, incumbent and incoming Chairs (or President in the case of a review conference) meet as often as deemed necessary and as circumstances allow, either in person or virtually, in order to ensure optimal coordination and continuity throughout the review cycle of the Treaty on the Non-Proliferation of Nuclear Weapons. The Chairs' Circle would share best practices and provide advice to the incumbent and incoming Chairs. The transfer of information, knowledge and support would encourage good stewardship of the Treaty at all times.

3.3 A Treaty support unit — funded through the new review process and modernization

Decision 8: Treaty support unit

16. The States parties decided that a Treaty support unit would be established, comprised initially of one Treaty officer, who would be responsible for assisting and facilitating Treaty meetings and intersessional work on a full-time basis, in order to provide substantive, administrative, logistical and representative support. The officer would support the incumbent Chair and the Chairs' Circle, providing advice, background documentation and analysis, as well as coordination with States parties, other non-governmental entities and United Nations agencies. The officer would also promote activities related to the Treaty and, along with the existing support of the Office for Disarmament Affairs of the Secretariat and IAEA, prepare for annual general conferences, the Preparatory Committee and the review conferences. If it were deemed desirable by States parties in the future, this unit could be bolstered by one or two other officers, but the intention of the present decision would be neither to create a burdensome administrative structure nor to conduct any work other than support to the Treaty. The incremental staffing costs of up to three officers in this new unit would be covered, in accordance with the annex to this paper, by the streamlined, shortened review process (to 37 days vs. 50 now) and the cost reductions identified in decision 9 below (summary records).

Decision 9: Summary records in the digital age

17. The States parties determined that summary records for meetings of the Treaty on the Non-Proliferation of Nuclear Weapons would be eliminated as of 2011, as this historic tool no longer served its intended purpose as a document of reference. The Secretariat is requested to continue the recent practice of issuing decisions taken at meetings as official documentation in all six languages, and States parties

are urged to provide at least one copy of their statement in the general debate for placement on the website of the Office for Disarmament Affairs. Additionally, as technical upgrades are completed, digital sound recordings of open meetings may also be placed in all official languages on that website.

4. Evaluation of the 2010 decisions regarding the review process

Decision 10: Evaluation of the review process decisions in 2015, or earlier

18. The States parties requested the Secretariat to propose, early in the course of the 2011-2015 review cycle, a mechanism to consider and evaluate whether the decisions adopted in 2010 had fulfilled the intended goal of enhancing the Treaty's review process, and whether further changes were warranted, with findings to be provided to States parties no later than at the 2015 Review Conference.

Annex

The changes proposed in this paper could yield *funds available for reallocation* (savings) of between $3.5 and $2.9 million per review cycle (see table below), depending on a three-week or four-week review conference. **This amount would be sufficient to create a new Treaty support unit (see below).**

The following figures are based on the estimated costs of the 2010 Review Conference, including the sessions of its Preparatory Committee as provided for in annex I to document NPT/CONF.2010/PC.II/1.

Estimated cost savings

Cost item	*Current review cycle costs (US dollars)*	*37-day cycle Savings (US dollars)*	*42-day cycle Savings (US dollars)*	*Explanation*
Pre-session, in-session and post-session documentation	3 374 500	877 370[a]	539 920[a]	Focused meetings should result in a reduction in working papers
Meeting services	1 076 200	279 812[a]	172 192[a]	Reduction in meeting days
Summary records	1 062 600	1 062 600	1 062 600	Elimination of summary records
Background papers to be prepared and translated by IAEA	157 700	—	—	Applies to the Review Conference and so will not be affected
Other requirements	364 200	364 200	364 200	Although in the budget, this item was generously paid for by the host country
Central support costs	217 400	56 524[a]	34 784[a]	Reduction in meeting days
Security requirements	106 600	27 716[a]	17 056[a]	Reduction in meeting days
Temporary assistance	90 800	—	—	Applies to administrative duties, which we anticipate will remain unaffected
Travel and daily subsistence allowance for substantive staff from the Office for Disarmament Affairs and IAEA	175 000	—	—	We anticipate this item to be cost-neutral, as the savings to the daily subsistence allowance will offset the costs of travel to one additional meeting per five-year review cycle
Consultants' fees, travel and daily subsistence allowance	78 600	78 600	78 600	Work to be performed by the proposed support unit
Press coverage and public information activities	93 600	—	—	Applies to the Review Conference and so will not be affected
Overtime	5 000	1 300[a]	800[a]	Reduction in meeting days
Miscellaneous supplies and services	2 000	520[a]	320[a]	Reduction in meeting days
Subtotal	**6 804 200**	**2 748 642**	**2 270 472**	
Programme support costs	884 600	357 323[b]	295 161[b]	Reduction in meeting days and other cost savings
Reserve for contingency	1 020 600	412 296[c]	340 570[c]	Reduction in meeting days and other cost savings
Grand total	**8 709 400**	**3 518 261**	**2 906 203**	

[a] Current review cycle costs [current review cycle costs/50 (days of current review cycle) x 37 or 42 (days of proposed review cycle)].
[b] Savings subtotal x 13 per cent.
[c] Savings subtotal x 15 per cent.

Estimated cost of a full-time Treaty Officer for a Treaty support unit

Classification	*Estimated annual salary (United States dollars)*
P-3 full-time	175 000 (including salary, office space and information technology support)
2 P-3 officers	350 000
3 P-3 officers	525 000
Grand total over five-year review cycle for one P-3 officer	**875 000**
Grand total over five-year review cycle for two P-3 officers	**1 750 000**
Grand total over five-year review cycle for three P-3 officers	**2 625 000**

Source: United Nations Common System of Salaries, Allowances and Benefits, January 2009

Currently, the budgetary and administrative aspects of the Treaty are just one of many responsibilities of the three staff members in the Weapons of Mass Destruction Branch at the Office for Disarmament Affairs. Officers in that Office currently split their time between the Treaty and other files. As a result, almost $175,000 is spent per cycle on temporary assistance, consultants' fees and overtime.[1] During Treaty Preparatory Committee meetings or review conferences, a task force of 10 to 12 officials is assembled from within the Office for Disarmament Affairs and with the help of the International Atomic Energy Agency.[2]

This arrangement would be tangibly improved by the establishment of a Treaty officer whose sole responsibility it would be to support and facilitate Treaty meetings and intersessional work on a full-time basis. The new officer's salary would derive from assessed contributions from States parties to the Treaty rather than from the United Nations Secretariat budget. The annual costs of such a full-time Treaty officer would be roughly $175,000 (see table above), and estimates are also provided for a two- and three-person support unit.

[1] Annex I of NPT/CONF.2010/PC.II/1 (as noted in the annex above).

[2] The task force operates alongside those additional personnel responsible for conferences services, the media and protocol.